

Client Rights Office

Department of Health and Family Services
Division of Disability and Elder Services

<http://dhfs.wisconsin.gov/clientrights/index.htm>

Community Programs Training 2005

OVERVIEW OF “LEAST RESTRICTIVE ENVIRONMENT” ANALYSIS

To guarantee that a client’s right to the least restrictive environment is not violated, we review decisions in this regard to make sure that they are both **non-arbitrary** and **individualized**. In order **not** to be **arbitrary**, a decision must be based upon a reasoned consideration of relevant and appropriate factors, and must be rationally based upon a legitimate treatment, management or security interest. [See HFS 94.24(3)(h)]. **Factors** to be considered in each individual’s situation include, but are not limited to, the following:

- ◆ **Freedom of movement**, and **access to the outdoors**.
- ◆ **Access to and use of personal possessions**, including radio, television, recordings or movies, publications, musical instruments, art and writing supplies, + access to space and supervision sufficient to enable use.
- ◆ Compatibility of the **environment** with an individual’s **treatment plans** and goals.
- ◆ Opportunities to participate in “**normalizing**” **activities** which promote independence, and provide social interaction / stimulation / enjoyment.
- ◆ Opportunities for **physical exercise** and **recreational activities**.
- ◆ Opportunities for participation in **leisure / social / program activities**, and community access and outings as feasible.
- ◆ Assessment of **potential risks**, and possible measures to reduce those risks.
- ◆ Personal **preferences** of the individual (as relevant in the circumstances).
- ◆ Opportunities for **decision-making** and **choice**, both in typical patterns of daily life and in larger life choices, and participation in treatment planning.

The least restrictive environment for an individual is that which is most “**normalized**”, when considering the nature / extent of the individual’s needs. The least restrictive environment is that which allows the **greatest exercise of individual choice** on a day-to-day basis in all aspects of personal decision-making and activities.